REMARKS

Claims 1-19, 33 and 34 are pending. Claims 1, 17, 18, 33 and 34 are the independent claims and have been amended to improve their form, without narrowing their scope. Favorable reconsideration is respectfully requested.

In the most recent Office Action, claims 1, 10-18, 33 and 34 were rejected under 35 U.S.C. § 103 over Gilbert et al. in view of Dawson and Gershon. Claims 2-4, 6-9 and 19 were rejected under 35 U.S.C. § 103 over Gilbert et al. in view of Dawson and Gershon and further in view of Silverman. Claim 5 was rejected under 35 U.S.C. § 103 over Gilbert et al. in view of Silverman, Dawson and Gershon, and further in view of Togher. Applicants traverse and submit that the independent claims are patentable for at least the following reasons.

Firstly, applicants wish to point out certain distinctions between the independent claims, as the Office Action has not specifically noted the difference in wording in the analysis of the independent claims in section 7, from page 10 of the Office Action.

Independent claims 1 and 33 recite, inter alia, deriving indicative bid and offer rates based on adjusting received best price bid and offer rates of traded transaction. Independent claims 17 and 34 include alternately adding an amount to the indicative offer rates and subtracting the amount from the indicative bid rates, and claim 18 explicitly recites, inter alia, a filter to remove high frequency fluctuations in the received best price bid and offer rates of traded transactions to obtain indicative bid and offer rates. The amendments to the independent claims are simply to even more explicitly recite what was already recited, and do not narrow the claims.

The Office Action relies on three documents to reject the independent claims, claims 1, 17, 18, 33 and 34, i.e., Gilbert, Dawson and Gershon.

By way of summary, Gershon relates to a system for providing a bid or offer price with an option calculated using a number of complex parameters. Allegedly, this system provides the advantage of providing an accurate model to price derivatives to financial markets. Dawson relates

to a system for establishing FX currency prices, so guaranteeing a fixed rate to clients. Gilbert relates to a system that allows some traders to join an exclusive market if they meet certain criteria.

The Office Action primarily relied upon Gilbert as allegedly meeting certain distinguishing features of the independent claims, and the following discussion focuses on this document.

At page 9 of the Office Action, the Examiner asked the question, "Aren't Gilbert's 'prices close to the market price' the same as the present invention's 'adjusted price' or 'indicative rate'?" Applicants' response to this, is "no," and for two reasons. First, Gilbert's prices are prices that are in the market *waiting to be traded*, and are not indicative rates based on those that have *already been traded*, as recited in the claims. This interpretation of Gilbert is supported in the last sentence of paragraph [0007] of Gilbert, which states, "The best bid price (i.e., highest price at which a trader is willing to buy an item) and best offer price (i.e., lowest price a trader is willing to sell an item) ...". Therefore, the "market price" defined in paragraph [0008] of Gilbert as constituting prices that represent the best bid(s) and best offer(s) does not reflect an actual trading price, or a price derived from a traded transaction, but rather one at which a trader is *willing to trade*. In contrast, the indicative rates of the independent claims are not rates currently on the system, but are rates derived from the best price bid and offer rates "of traded transactions," i.e., transactions that have ***already been traded***.

There is, in applicants' view, at least a second distinction with regard to Gilbert. Paragraph [0005] of Gilbert states that, "Traders may not want to disclose their bids and/or offers to the general market, but rather to the best group of traders associated with best prices in the general market or with any other desired traders." That is to say, there is a desire to keep "market price" or indeed "prices close to the market price" secret. In contrast, the indicative rates of the presently claimed invention are provided in the data feed, and no attempts at secrecy are described for the indicative rates themselves. Indeed, as mentioned at lines 3 to 9, at page 2 of the present specification, one of the desired features of the invention is that it allows actual rates information to

be kept confidential, and a reason for having indicative rates is so that the indicative rates can be released without secrecy.

Applicants also strongly disagree with the implication, in the table at page 5 of the Office Action, that Dawson shows a receiver configured to receive best price bid and offer rates for traded transactions in the instrument. The paragraphs of Dawson refer to "actual orders" and "binding offers," neither of which is a best price bid and offer rate for a *traded* transaction, as claimed. Actual "orders" are orders, and an "order" is a bid or offer *on the trading system*. It is not a "traded transaction." And a "binding offer" is an "order" nonetheless, and also in no way corresponds to a "traded transactions." To make even more clear what is meant by this limitation, claim 1, for example, has been amended to recite, in relevant part "to receive best price bid and offer rates *of* traded transactions." This terminology was already used in independent claims 18, 33 and 34 and was intended to have meant the same thing. For this additional reason, the references cited in the Office Action do not meet all of the limitations of the independent claims.

Moreover, the Office Action improperly fails to give patentable weight to the recited limitation that the indicative rates are derived from traded transaction information. At page 8, for example, the Examiner states that, based on a cited portion of the present specification, "we can summarize that the 'indicative rates' are obtained from the best bid/offer rates which are simply obtained from the minimum rate spread between bid/offer prices." However, this does not take into account that the independent claims *explicitly recite* that the indicative rates are derived from the best price bid and offer rates relating to *traded transactions*. The Office Action appears to be reading this limitation out of the claims in reading on Gilbert (and/or Dawson depending on which portion of the Office Action is being referred to), which is completely improper.

Further, as highlighted above, with respect to independent claim 18, in that claim the rates processor is configured to filter received best price bid and offer rates to remove high *frequency* fluctuations (emphasis added) in the received rates to obtain indicative bid and offer rates. The Office Action took the position that this feature is known from Dawson. Applicants disagree. To emphasize, claim 18 includes the feature that high *frequency* fluctuations are removed. In

contrast, in Dawson, although there is a filter, the use of a filter *to remove high frequency fluctuations* is ***not*** described. Various "filtering means" are described in Dawson, for example, to categorize certain samples firstly as either valid or questionable, as in paragraph [0028] of Dawson. But the *frequency* of fluctuations is not considered; the kind of filtering performed in Dawson is, if anything, more akin to limiting amplitude rather than frequency. Applicants further object to the fact that the Office Action, for example at page 17, towards the bottom of the page, does not give full patentable weight to this limitation of claim 18. Instead the Action is apparently reading this feature on filtering "according to certain criteria," despite the fact that claim 18 explicitly filters to remove high *frequency* fluctuations.

Further, the Office Action alleged that the rejections of claims 17 and 34 are provided in section 7, from page 10 of the Office Action. However, there is no indication in that portion of the Office Action as to where the feature of these claims of "alternately adding an amount to the indicative offer rates and subtracting the amount from the indicative bid rates" can be found in the prior art. The Office Action focused on a different wording of claims 1 and 33, which do not include this feature.

The Office Action did, however, provide arguments relating to this feature in connection with dependent claim 4. However, applicants submit that this feature is not disclosed in any of the prior art documents cited in the Office Action. Starting at the bottom of page 18 of the Office Action, the position was taken that this feature is disclosed in Gilbert, citing paragraphs [0010], [0032], [0034], and [0039]. It appears that the position was taken that the predetermined criteria for qualifying for the inside market being within a predetermined range or within a certain difference of the market price corresponds to the feature of "alternately adding an amount to the indicative offer rates and subtracting an amount of indicative bid rates." But this is clearly not the case.

For at least the foregoing reasons, the independent claims are believed to be clearly patentable over the cited art. The dependent claims are believed patentable for at least the same reasons as their respective base claims.

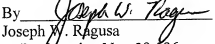
REQUEST FOR INTERVIEW

In an attempt to move the case towards allowance, it is respectfully requested that the Examiner telephone applicants' undersigned representative before issuance of the next Office Action to set up a telephonic interview.

In view of the above amendments and remarks, applicants believe the pending application is in condition for allowance.

Dated: October 6, 2010

Respectfully submitted,

By 

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